

## AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 6, 2007  
DEPARTMENT: PLANNING AND DEVELOPMENT  
ITEM DESCRIPTION: VAR-20219 - APPLICANT/OWNER: CENTEX HOMES

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### **\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (4-3/se/sd/lld vote) recommends APPROVAL, subject to:

#### **Planning and Development**

1. A minimum of 15,000 square feet of open space shall be provided.
2. Conformance to the conditions for General Plan (GPA-20216), Rezoning (ZON-20217), Variance (VAR-20419), Waiver (WVR-20568) and Site Development Plan Review (SDR-20220) if approved.
3. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. In lieu of compliance with the open space requirements of Municipal Code 19.06.040, the developer will be allowed to make a contribution to the City of Las Vegas Parks CIP Fund in the amount of **four dollars for every square foot of open space waived**, to be utilized by the City Council for improvements to existing public parks nearby. This contribution must be made to Land Development prior to approval of a Final Map, otherwise the developer is still required to comply with the Open Space requirement in accordance with Title 19 of the Las Vegas Municipal Code.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Variance to allow 10,288 square feet of open space where 46,718 square feet is the minimum required on 4.91 acres 300 feet south of Lake Mead Boulevard and the west side of Rock Springs Drive.

The request for Variance to deviate from the required open space is a self-imposed hardship and denial is recommended.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
08/07/91	The City Council approved a Rezoning (Z-0056-91) from N-U (Non-urban) to C-V (Civic).
12/02/92	The City Council approved an Extension of Time [Z-0056-91(1)] of an approved Rezoning.
01/19/94	The City Council approved an Extension of Time [Z-0056-91(2)] of an approved Rezoning.
09/06/06	The City Council approved to Amend (GPA-14318) a portion of the Southwest Sector Plan of the Master Plan from PF (Public Facilities) to H (High Density Residential), a Rezoning (ZON-14321) from U (Undeveloped) [PF (Public Facilities) Master Plan Designation] to R-4 (High Density Residential), a Site Development Plan Review (SDR-14323) for a proposed three-story, 92-unit residential condominium development, and a Variance (VAR-14322) to allow three stories where two stories or 35 feet is the maximum height on 4.43 acres adjacent to the west side of Rock Springs Drive, approximately 300 feet south of Lake Mead Boulevard. Staff recommended denial, while the Planning Commission recommended approval.
04/26/07	<p>The Planning Commission recommended approval of companion items ZON-20217, WVR-20568, VAR-20419 and SDR-20220 and failed to obtain a super majority vote which is tantamount to denial of GPA-20216 concurrently with this application.</p> <p>The Planning Commission voted 4-3/se/sd/ld to recommend APPROVAL (PC Agenda Item #16/jm).</p>

<b><i>Pre-Application Meeting</i></b>	
02/16/07	A pre-application meeting was held. Staff informed the applicant that the single family detached development proposal required a general plan amendment, rezoning, variance for minimum lot size in a Residential Planned Development zone, and a site development plan review. Submittal requirements were then discussed in detail.
<b><i>Neighborhood Meeting</i></b>	
03/15/07	A neighborhood meeting was held at 6:00 pm at Summerlin Lutheran Church, 1911 Pueblo Vista Drive. No citizens attended.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	3.98

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped	H (High Density Residential)	U (Undeveloped) [PF (Public Facilities) Master Plan Designation]
North	Retail	SC (Service Commercial)	U (Undeveloped) Zone under Resolution of Intent to C-1 (Limited Commercial) [SC (Service Commercial) Master Plan Designation]
South	School	PF (Public Facilities)	U (Undeveloped) [PF (Public Facilities) Master Plan Designation]
East	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
West	Offices	SC (Service Commercial)	C-1 (Limited Commercial)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>	X		Y
Airport Overlay Zone (175 feet)	X		Y
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.08, the following standards apply:*

<b>Standard</b>	<b>Provided</b>
Min. Lot Size	1,440 SF
Min. Lot Width	32 Feet
Min. Setbacks from Building <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Rear</li> </ul>	5 Feet Zero Feet 5 Feet
Max. Building Heights	3 stories, 35 feet

<b>Existing Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
U (Undeveloped) Under Resolution of Intent to R-4	50 Units Per Acre	245
<b>Proposed Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
R-PD14	14 Units Per Acre	65
<b>Proposed General Plan</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
M (Medium Density Residential)	25.49 Units per Acre	125

*Pursuant to Title 19.12, the following Landscape Standards apply:*

<b>Landscaping and Open Space Standards</b>				
<b>Standards</b>	<b>Required</b>		<b>Provided</b>	<b>Compliance</b>
	<b>Ratio</b>	<b>Trees</b>		
Buffer: Min. Trees	1 Tree/ 30 Linear Feet	10 Trees	19 Trees	Y
Min. Zone Width along Rock Springs Road.	6 Feet		6 Feet	Y
Wall Height	8 Feet		Not shown	NA

<b>Open Space – R-PD only</b>							
<b>Total Acreage</b>	<b>Density</b>	<b>Required</b>			<b>Provided</b>		<b>Compliance</b>
		<b>Ratio</b>	<b>Percent</b>	<b>Area</b>	<b>Percent</b>	<b>Area</b>	
4.91	13.23	1.65	22%	46,688	5%	10,288	N*

\*A Variance (VAR-20219) has been requested.

*Pursuant to Title 19.10, the following parking standards apply:*

<b>Parking Requirement</b>
The project is required to provide a minimum of two parking spaces per dwelling unit. This meets Title 19.10 parking requirements.

## **ANALYSIS**

The proposed residential planned development is requesting that 10,288 square feet of open space be permitted where 46,718 square feet is the minimum required, which is a 78 percent deviation from standards. The open space that has been provided within the 65-lot single-family subdivision is located within the interior landscape area of the site. Proposed in the open space is a four foot sidewalk that traverses the interior of the site. No common open space recreation facility has been provided within the subject property. The Bettye Wilson Soccer Complex is northwest of the proposed residential project across Lake Mead on Tenaya Way.

The purpose of the R-PD District is to allow maximum flexibility to permit imaginative and innovative residential design and to utilize land for the development of residential communities which are planned and developed with appropriate amenities to establish a clear sense of community. It is intended to promote the enhancement of residential amenities by means of an efficient consolidation and utilization of open space, separation of pedestrian and vehicular traffic and a homogeneity of use patterns. The proposed 65-lot single-family residential subdivision lacks innovative residential design and the required amount of open space for an R-PD District. Due to the incompatibility with the area and lack of innovative residential design and open space, denial of this application is recommended.

The minimum site lot size for the proposed development is 1,440 square feet. For the applicant to meet the open space standards for an R-PD (Residential Planned Development) the site would result in a loss of approximately 25 units.

Staff is recommending denial of the requested Variance to allow the reduction of open space requirements.

## **FINDINGS**

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical

difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship. Alternative design with less number of units or subterranean parking would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 37

**SENATE DISTRICT** 6

**NOTICES MAILED** 152 by City Clerk

**APPROVALS** 0

**PROTESTS** 0